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HUMAN RIGHTS COMMITTEE

Fifty-eighth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1559th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 November 1996, at 10 a.m.

Chairman: Mr. AGUILAR URBINA

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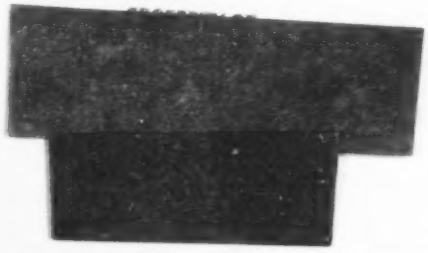

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The public part of the meeting was called to order at noon

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 3) (CCPR/C/58/Sub.1)

1. The CHAIRMAN, introducing the Bureau's proposals on the reports to be considered at the next two sessions, said that, for the fifty-ninth session, the Committee had already decided to consider the initial report of Georgia, the third periodic report of India, the third periodic report of Portugal relating to Macau, the second periodic report of Bolivia, the second periodic report of Lebanon and the fourth periodic report of Colombia. For the July 1997 session, the Bureau was proposing that the Committee should consider the fourth periodic report of Belarus, the initial report of Slovakia, the third periodic report of France, the second periodic report of Congo, with the reports of Senegal, Lithuania and Cyprus in reserve. If he heard no objection, he would take it that those proposals were adopted.

2. It was so decided.

3. The CHAIRMAN said that the new date for the submission of the next periodic reports of Gabon and Denmark was 31 December 1998.

4. Mrs. EVATT said the Committee had agreed that, when a State party had submitted its periodic report on time, but the Committee had considered the report late, the State party would not be penalized and part of the lateness would be made up by an extension of the deadline for the submission of the next periodic report. In her view, that procedure should apply to Germany.

5. Mr. BÁN said that he was not opposed to that idea, but recalled that he had chaired the meeting at which the consideration of the periodic report of Germany had been completed and had summed up the discussion by indicating that the next periodic report of Germany was due in 1998.

6. Mr. ANDO said that the Committee had to decide when the next periodic report of Hong Kong was due.

7. Mr. MAVROMMATIS said that, in the case of Hong Kong, the Committee should stay with the date set initially and that he would like the Committee to decide that the Chairman and the Bureau should follow up on the question of procedures for the submission of reports in future and the possibility of holding the necessary number of meetings.

8. The CHAIRMAN said that there was no opposition to the suggestions by Mr. Mavrommatis and that action would be taken on them.

9. It was so decided.

10. Mr. BUERGENTHAL, referring to the possibility of postponing the date for the submission of the next periodic report of Germany, said that the Committee might address a note to the State party indicating that the date on which its next periodic report was due had been deferred.

11. The CHAIRMAN proposed that the date for the submission of the next periodic report of Germany should be postponed until the year 2000 and that, for Hong Kong, it should continue to be 18 August 1999.

12. It was so decided.

13. Mr. TISTOUNET (Secretary of the Committee) said that, since the beginning of the fifty-seventh session, the secretariat had received the fourth periodic report of Italy, which had been due in December 1995, on 30 October 1996. The Mission of Japan had also stated that the fourth periodic report of Japan, which had been due on 31 October 1996, would be submitted in about mid-December 1996. The report would therefore be added to the list of reports to be considered, once it had been received.

14. The secretariat had also received a note verbale from the Permanent Mission of Morocco to the United Nations Office at Geneva requesting that an extension of about one year should be granted to the Moroccan Government for the submission of its fourth periodic report, which was due on 31 October 1996. The Moroccan Government would like to be able to include information in its report on the revision of the Constitution which had taken place on 13 September 1996 and on the elections which were to be held in Morocco during the first half of 1997. Consequently, the fourth periodic report of Morocco should be submitted in the second half of 1997. The secretariat wished to know whether the Committee agreed to grant the request of the Moroccan Government.

15. The number of reports which were due and had not yet been received now stood at 107 and concerned 87 States parties, a considerable drop as compared to the total of 115 during the Committee's fifty-seventh session. Thailand, which had attended meetings of the Committee as an observer for several years, had now decided to accede to the Covenant, and that was a welcome development.

16. Mrs. EVATT said that she would have no objection if the Committee granted the request of the Moroccan Government for a one-year extension of the deadline for the submission of its fourth periodic report.

17. Mr. EL SHAFEI said that, as long as such a decision was not contrary to its rules of procedure, it was in the Committee's interest to allow the extension of the deadline requested by the Moroccan Government in view of the importance of the new developments relating to the Constitution and legislation of the State party about which it might thus receive information.

18. The CHAIRMAN said that the Committee decided to postpone the submission of the fourth periodic report of Morocco until 1 September 1997.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 12) (continued)

Report of the seventh meeting of persons chairing the human rights treaty bodies (A/51/482)

19. The CHAIRMAN drew the attention of the members of the Committee to paragraphs 25 and 26, in particular, and to paragraph 30 of the report of the seventh meeting of persons chairing the human rights treaty bodies (A/51/482), about which he had stated his disagreement during the meeting and had written a letter of protest to the Secretary of the meeting. He had found it unacceptable that procedural and other amendments to new human rights treaties should be adopted without having been submitted to the full ratification process provided for by the Constitution of States parties. He had also expressed concern, although less strong, about paragraph 30 of

the report, which recommended that the members of the treaty body should undertake efforts, in relation to their parliaments and national human rights institutions, to publicize the international human rights instruments. That was incompatible with the status of the members of the various committees as independent experts. He asked what the members of the Committee thought about those points.

20. Mr. POCAR said that he fully agreed with the Chairman's concerns and noted that many other paragraphs of the report gave rise to questions, from the point of view both of substance and of form. It was regrettable that, because of the lack of time, the Committee could not discuss the question fully at its current session and he hoped that enough time would be set aside at the fifty-ninth session for the detailed consideration of that report, which called for thorough discussion.

21. Mr. EL SHAFEI, Mrs. EVATT, Mr. BUERGENTHAL, Mr. ANDO, Mrs. MEDINA QUIROGA, and Mr. PRADO VALLEJO said that they shared Mr. Pocar's views.

22. Mr. BRUNI (Centre for Human Rights) said that he would like to provide some technical information because, as the Secretary of the meeting of persons chairing the human rights treaty bodies, he had closely followed the discussion and taken part in the preparation of the report of the meeting. He thus assured the Committee that the proposed amendments had all been incorporated in the final text of the report adopted, which had been faxed to the Chairpersons of all the treaty bodies on 24 September 1996, only two days after the end of the meeting. So far, only the Chairman of the Committee on the Elimination of Racial Discrimination and the Chairperson of the Human Rights Committee had sent the secretariat their comments on the report. It should be stressed that the deadline for the submission of the report to the General Assembly had been 10 October 1996 and that the secretariat had had to meet that deadline to send the General Assembly the report as unanimously adopted.

23. The CHAIRMAN, replying to a concern expressed by Mr. Prado Vallejo, said that the High Commissioner for Human Rights had in fact been present at the first meeting of the meeting of Chairpersons, at which he had described the planned restructuring of the Centre for Human Rights and the Chairpersons had thus been informed of a number of decisions which had been taken and on which they had not been consulted first. The Chairpersons had then requested the secretariat of the meeting to provide them with the necessary documents, which they had immediately obtained. They had urged the High Commissioner to provide more detailed information on the restructuring process and the High Commissioner's main advisors had then supplied the information requested.

CLOSURE OF THE SESSION

24. After the customary exchange of courtesies, the CHAIRMAN declared the fifty-eighth session of the Human Rights Committee closed.

The meeting rose at 12.40 p.m.